

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Neyembo Mikanda

Cr.: 08CR00130-001
PACTS Number: 49973

Name of Sentencing Judicial Officer: The Honorable Noel L. Hillman, United States District Court Judge

Date of Original Sentence: 07/21/09

Original Offense: Aiding and Assisting in the Preparation of False Tax Returns, 26 U.S.C. §7206(2); False Claims 18 U.S.C. § 287 and Section 2; Mail and Wire Fraud, 18 U.S.C. §§ 1341 and 1343, and Section 2

Original Sentence: 84 months imprisonment (36 months on each of Counts 1 through 15, and terms of 60 months on each of Counts 16 through 18, and terms of 84 months on each of counts 19-26, all to be served concurrently); followed by 3 years supervised release consisting of 1 year on each of counts 1 through 15, and 3 years on each of counts 16 through 26, all to run concurrently. Special Conditions: Financial Disclosure, Cooperate with IRS, No new credit or debt, No tax preparation employment, and DNA. The offender was also ordered to pay restitution in the amount of \$29,614.35, as well as restitution in the amount of \$187,369.00, to the IRS as the victim of Counts 16 through 18. In addition to the aforementioned restitution orders, Mikanda was ordered to pay the costs of prosecution in the amount of \$5,593.48, to be made payable to the Office of the United States Attorney for the District of New Jersey. It was further ordered that the offender shall pay a special assessment in the amount of \$100.00, for Counts 1 through 15, 16 through 18, and 19 through 26, for a total special assessment of \$2,600.00.

Type of Supervision: Supervised Release

Date Supervision Commenced: 08/19/14

PETITIONING THE COURT

- [] To extend the term of supervision for _____ Years, for a total term of _____ Years.
[X] To modify the conditions of supervision as follows. The addition of the following special condition(s):

MENTAL HEALTH TREATMENT

You shall undergo treatment in a mental health program approved by the United States Probation Office until discharged by the Court. As necessary, said treatment may also encompass treatment for gambling, domestic violence and/or anger management, as approved by the United States Probation Office, until discharged by the Court. The Probation Officer shall supervise your compliance with this condition.

CAUSE

On July 30, 2014, staff at the Federal Correctional Institution at Ft. Dix (FCI Ft. Dix) contacted the probation office to advise the offender was scheduled for release on August 19, 2014. FCI Ft. Dix staff advised the offender was reported to be suffering from extreme delusions and undiagnosed mental health

disorders by the Bureau of Prisons (BOP) psychology staff. The offender was reported to be completely uncooperative with the psychology staff and their attempts to diagnose and treat his mental health issues. The offender is reported to have remained in the Special Housing Unit (SHU) for the remainder of his prison term from approximately October 2013, until his release on August 19, 2014. Mikanda continued to refuse to speak to BOP staff, and was observed to be praying for several hours per day.

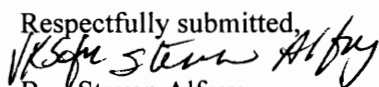
The offender was released on August 19, 2014, and his family reported that he was quiet, initially, but then was arguing, and saying bizarre things. He refused to drive to the probation office for an appointment that was prearranged by the undersigned with his family. The offender accepted a telephone call from the undersigned on August 19, 2014, where the offender addressed himself as the President of the United States, and he also advised this officer that the charges in the instant offense were dismissed.

We were able to convince the offender to report to the probation office on 8/20/14, where he was interviewed for several hours by Supervising U.S. Probation Officer Valencia Sherrer, and it became evident that the offender was severely delusional, and believed he was the President of the United States, and at other times God. The offender was also lucid and intelligent and responsive for significant periods of the interview and he signed and acknowledged the conditions of supervised release. Further, we also discussed the need for the offender to attend and receive mental health treatment, to which he readily agreed, and signed a waiver of a hearing and right to counsel to accept a modification of the conditions to add a special condition for mental health treatment.

On August 21, 2014, the offender was described by his family to have had a delusional episode where he thought his youngest two children were raped and murdered, and he pushed his wife down the steps. Local police were called to the family home in Williamstown, New Jersey, and the offender was deemed to be in crisis and transported to Kennedy Hospital, Sewell, New Jersey for a medical and mental evaluation. Kennedy Hospital psychology and medical staff found the offender was mentally ill and he was involuntarily committed. The offender remained at the Kennedy Hospital Emergency Room Crisis Unit for approximately seven days when he was transferred to the Inspira/Woodbury Hospital Mental Health Unit for further evaluation and treatment.

Due to the offender's recent diagnosis of mental health issues, we are respectfully recommending that the Court approve a modification of conditions to add mental health treatment as a special condition of his supervised release. The modification will provide our office the opportunity to work with the offender's current treatment providers and allow continuity of care during his current involuntary commitment, as well as his upon release.

Respectfully submitted,


By: Steven Alfrey

Senior U.S. Probation Officer

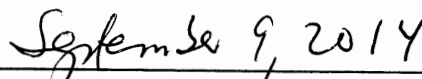
Date: 08/28/14

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other



Signature of Judicial Officer


Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

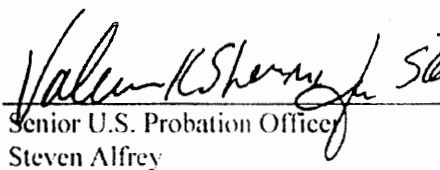
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

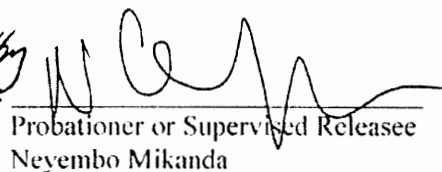
MENTAL HEALTH TREATMENT

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Witness:


Senior U.S. Probation Officer
Steven Alfrey

Signed:


Probationer or Supervised Releasee
Neyembo Mikanda

20th Aug. 2014
DATE